

Serial No. 09/991,407

REMARKS/ARGUMENTS

Status of Claims

Claims 1-13 were originally filed in the present application. These claims were previously subjected to a restriction requirement. Claims 10-13 have been withdrawn from consideration as drawn to a non-elected invention. In the Claims 1-9 have been subjected to a further restriction requirement. After the election below, Claims 1-13 remain pending in this application, however, only Claims 1 and 2 are currently under consideration.

Restriction Requirement

The Office has required restriction to one of the following groups of claims:

Group I: Claims 1-2, drawn to a tampon, classified in Class 604, subclass 374;
and

Group II: Claims 3-9, drawn to a fibrous structure, classified in Class 428,
subclass 340.

The Office Action indicates that Groups II and I are not capable of use together as Claims 1 and 3 require mutually exclusive densities. Applicant hereby elects Group I, with traverse and respectfully requests reconsideration of the Restriction Requirement.

Applicant submits that the claims in the groups are related, and complete examination cannot be made of either group of claims without searching and considering the art in the other group's classification. Therefore, Applicant submits that it would be more efficient to search and examine both claim groupings together. That being the case, Applicant submits that it would be more burdensome upon him to have to prosecute two separate applications for the identified claims than it would be for the Patent Office to examine the two groups together.

Reconsideration and withdrawal of the restriction requirement is hereby respectfully requested.

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Applicant believes that the foregoing presents a full and complete response to the outstanding Office Action. Applicant looks forward to an early notice of allowance for this application.

Respectfully submitted,

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